MINUTES VILLAGE OF LAKEPARK COUNCIL MEETING 3801 LAKE PARK ROAD, LAKE PARK, NC REGULAR SESSION

7:00 P.M. SEPTEMBER 9, 2014

ATTENDING: Mayor David Cleveland

Council Members: Sandy Coughlin, John Barnes, Mark Phillips, Fabian

Szarko and Pam Jack.

Village Administrator Cheri Clark Finance Officer Cheryl Bennett

Attorney Ken Swain

CALL TO ORDER: Mayor David Cleveland called the Village of Lake Park Regular Session September Council Meeting to order.

PLEDGE OF ALLEGIANCE: Mayor David Cleveland led the Pledge of Allegiance.

APPROVAL OF MINUTES: John Barnes made the motion to approve the August 12, 2014 Regular Session Council Meeting Minutes as presented. Pam Jack seconded the motion. Vote – Unanimous.

PUBLIC COMMENT: Laurie McBroom, David, Rafaella and Madison Colmie support opening the Village Council meeting with prayer rather than a moment of silent reflection.

CHANGES TO THE AGENDA: Mark Phillips made the motion to approve the agenda as presented. John Barnes seconded the motion. Vote – Unanimous.

SECURITY REPORT: Deputy Brett stated that there were 93 calls for service during the month of August and 354 self-initiated calls during the month. There were 17 – 911 hang-ups, 12 alarm calls, 1 burglary vehicle, 2 improperly parked vehicles, 1 juvenile complaint, 6 property damage vandalism mischief and 46 traffic stops.

SECURITY CAMERAS: Mark Phillips shared that he sent an invitation to both companies to come and address Council concerning their systems; however he did not receive any response.

FINANCE OFFICER'S REPORT: Cheryl Bennett shared that the VOLP financial information is ready to be turned over to the auditor. For the 2013 – 2014 fiscal year, revenues exceeded expenses by \$152,000. Powell Bill makes up \$82,000 and \$70,000 is General Fund. \$10,000 of the General Fund will go into the Capital Reserves.

		Aug 14	Jul - Aug 14	Budget	% of Budget
General Fund					
Income					
Prope	erty Taxes				
A	d valorem current year	32,455.85	33,177.89	535,880.00	6%
U	Itility ad valorem	0.00	0.00	7,000.00	0%
N	lotor vehicle tax	6,384.57	6,384.57	51,118.00	12%
A	d valorem prior years	261.09	661.24	1,000.00	66%
P	rior years motor vehicle tax	375.93	375.93	0.00	100%
P	enalties and interest	245.69	282.07	1,600.00	18%
L	ate List Fees	0.00	0.00	0.00	0%
Total	Property Taxes	39,723.13	40,881.70	596,598.00	7%
Other	Taxes				
s	stormwater Fees- current year	2,590.00	2,650.00	42,830.00	6%
S	stormwater fees - prior years	0.00	30.00	0.00	100%
c	Cable franchise-from Time Warne	0.00	0.00	0.00	0%
Total	Other Taxes	2,590.00	2,680.00	42,830.00	6%
State	Shared Revenues				
S	sales and use tax	0.00	0.00	156,000.00	0%
Т	elecom. Franchise	0.00	0.00	2,500.00	0%
E	lec. franchise tax	0.00	0.00	70,000.00	0%
V	ideo Prog. (Cable from State)	0.00	0.00	20,600.00	0%
P	iped Gas	0.00	0.00	8,500.00	0%
S	Solid Waste Disposal Tax	488.36	488.36	2,500.00	20%
Total	State Shared Revenues	488.36	488.36	260,100.00	0%
Parks	& Recreation Revenue				
P	rogram Fees	68.00	710.25	1,300.00	55%
F	acility Rentals	250.00	400.00	4,000.00	10%
D	aily swim fees	3,157.00	7,098.00	9,000.00	79%
S	eason pass pool fees	0.00	895.00	47,000.00	2%
Total	Parks & Recreation Revenue	3,475.00	9,103.25	61,300.00	15%
Other	revenues				
z	oning Permits	100.00	150.00	500.00	30%
Δ	pprop. Fund Bal. Stormwater	0.00	0.00	99,466.00	0%
c	Commercial Waste Coll. Extras	0.00	0.00	0.00	0%
_	Civil Penalties	10.00	10.00	400.00	3%
C	iiii onanioo				
	nvestment revenue	73.85	147.69	700.00	21%

Total Other revenues	183.85	307.69	102,066.00	0%
Total Income	46,460.34	53,461.00	1,062,894.00	5%
Gross Profit	46,460.34	53,461.00	1,062,894.00	5%
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Expense				
General Government				
Other Expenditures				
Economic Development	30.80	30.80	6,000.00	1%
Contingency	0.00	0.00	8,900.00	0%
Stormwater Expense				
Advertising	0.00	0.00	100.00	0%
Dues and Permits	0.00	0.00	1,100.00	0%
Prof. Fees - Engineering	0.00	0.00	10,000.00	0%
Repairs & Maint. Services	0.00	0.00	28,930.00	0%
Cap.Outlay- Pet Waste Stations	0.00	0.00	2,700.00	0%
Total Stormwater Expense	0.00	0.00	42,830.00	0%
Total Other Expenditures	30.80	30.80	57,730.00	0%
Planning and Zoning				
Zoning Admin. Services	866.66	1,733.32	10,400.00	17%
Code Enforcement Services	0.00	0.00	3,000.00	0%
Consulting Fees	0.00	0.00	2,000.00	0%
Legal Services	0.00	0.00	3,000.00	0%
Advertising	0.00	0.00	200.00	0%
Postage	1.19	1.19	150.00	1%
Supplies	0.00	0.00	500.00	0%
Training	0.00	0.00	500.00	0%
Total Planning and Zoning	867.85	1,734.51	19,750.00	9%
Gen. Govt. Personal Services				
Adm Assistant	0.00	0.00	500.00	0%
Clerk/Tax Collector	5,044.00	10,088.00	60,528.00	17%
Council	0.00	0.00	11,950.00	0%
Finance Officer	1,306.92	2,613.84	15,683.00	17%
Mayor	0.00	0.00	4,340.00	0%
Payroll Expenses	552.15	1,223.86	8,065.00	15%
Total Gen. Govt. Personal Services	6,903.07	13,925.70	101,066.00	14%
Professional Fees				
Engineering Fees	0.00	0.00	400.00	0%
Auditing Services	0.00	0.00	5,100.00	0%
Legal Services			15,000.00	1%
Legai Services	126.00	126.00	13,000.00	I 70

Total Professional Fees	126.00	126.00	20,500.00	1%
Supplies and Materials				
Office	398.22	433.22	3,400.00	13%
Total Supplies and Materials	398.22	433.22	3,400.00	13%
Services				
Advertising	0.00	0.00	200.00	0%
Membership and dues	0.00	4,202.00	4,267.00	98%
Bank charges	77.72	160.17	820.00	20%
Elections	0.00	0.00	800.00	0%
Insurance/bonds	0.00	7,293.17	7,550.00	97%
Miscellaneous oper. exp.	0.00	0.00	400.00	0%
Newsletter/website/flyers	0.00	0.00	750.00	0%
Printing & Delivery Newsletter	180.20	356.78	2,300.00	16%
Postage	8.81	8.81	500.00	2%
Property Tax	1,092.27	1,092.27	1,100.00	99%
Tax collection	912.16	912.16	1,900.00	48%
Telephone	266.15	533.08	3,000.00	18%
Training	0.00	0.00	800.00	0%
Travel	78.87	78.87	1,200.00	7%
Total Services	2,616.18	14,637.31	25,587.00	57%
Capital Outlay				
Reserve for Capital Replacement	0.00	0.00	10,000.00	0%
Total Capital Outlay	0.00	0.00	10,000.00	0%
Total General Government	10,942.12	30,887.54	238,033.00	13%
Parks & Recreation				
Parks/Rec. Supplies & Materials				
Flags	0.00	0.00	0.00	0%
Janitorial /Cleaning Supplies	0.00	0.00	400.00	0%
Food/Provisions - events	602.81	947.75	2,260.00	42%
Pool Supplies	1,300.00	1,300.00	3,000.00	43%
Park Materials & Supplies	19.18	19.18	0.00	100%
Total Parks/Rec. Supplies & Materials	1,921.99	2,266.93	5,660.00	40%
Parks/Rec Services				
Pool Attendant Salaries	0.00	387.00	750.00	52%
Water/Sewer	738.32	738.32	4,500.00	16%
Natural Gas				

Comm. center maintenance	552.08	684.08	6,900.00	10%
Pool management fee	0.00	9,822.00	49,540.00	20%
Pool Operations	294.52	627.66	11,100.00	6%
Seasonal Decorations	0.00	0.00	14,840.00	0%
Events Services	5.80	255.80	700.00	37%
Total Parks/Rec Services	1,618.83	12,571.99	89,330.00	14%
Total Falks/Net Services	1,010.03	12,57 1.99	69,330.00	1470
Maintenance of Common Areas				
Landscaping	10,850.00	21,700.00	145,510.00	15%
Park maintenance	1,385.35	1,885.35	47,875.00	4%
Pond maintenance	2,661.01	2,661.01	31,500.00	8%
Electric Maintenance	200.00	243.59	6,000.00	4%
Repairs of Common Areas	197.85	197.85	2,000.00	10%
Total Maintenance of Common Areas	15,294.21	26,687.80	232,885.00	11%
Parks/Rec Capital Outlay			. === ==	
Council chambers video system	0.00	0.00	1,500.00	0%
Reserve for pool re-plastering	0.00	0.00	20,000.00	0%
Benches, Tables etc.	0.00	0.00	4,000.00	0%
Security System/Camera System	0.00	0.00	4,000.00	0%
Total Parks/Rec Capital Outlay	0.00	0.00	29,500.00	0%
Total Parks & Recreation	18,835.03	41,526.72	357,375.00	12%
Public Services/Safety				
Electric bills	9,070.89	17,865.08	106,000.00	17%
Street Signs	0.00	0.00	2,000.00	0%
Waste Collection	15,099.72	15,099.72	198,000.00	8%
Law enforcement	0.00	0.00	161,486.00	0%
Total Public Services/Safety	24,170.61	32,964.80	467,486.00	7%
Total Expense	53,947.76	105,379.06	1,062,894.00	10%
Net General Fund	-7,487.42	-51,918.06	0.00	100%
Powell Bill				
Powell Bill Income				
Interest - Powell Funds	0.00	36.58	100.00	37%
Powell Bill Revenue	0.00	0.00	94,000.00	0%
Total Powell Bill Income	0.00	36.58	94,100.00	0%

Net Excess of Rev. over Exp.	-7,751.17	-52,145.23	0.00	100%
Net Powell Bill Income	-263.75	-227.17	0.00	100%
Total Powell Bill Expense	263.75	263.75	94,100.00	0%
Street Exp Powell Bill	263.75	263.75	94,100.00	0%

PARK AND RECREATION BUSINESS: Mayor David Cleveland shared that the mulch at the playgrounds at Founders Park and Azalea Circle has been replenished by Lucas Landscaping.

The ponds were treated by Aquatic Resources on August 29th for primrose and algae. The Park & Recreation Commission also approved a special treatment of Russell Park Pond for Duck Weed at a cost of approximately \$700. This was funded by the Pond Maintenance budget.

Graffiti continues to be a problem throughout the Village. Recent incidents have included the Veterans Pond Playground and the Hoover and Queens area. Park & Rec approved contracting with Winecoff Memorials to remove the remaining graffiti on the Howard Circle Monument for a cost of \$500 which will come out of the Common Area Repairs budget.

Council approved the painting of the exterior of the Community Center by Southend Painting for \$2427.50 in the last fiscal year. Due to pool season we were not able to get this work done before the end of the fiscal year, and we did not include this expense in this year's budget. Park & Rec would therefore like to request that Council appropriate \$2500 from Pond Maintenance to Community Center Maintenance to cover the cost of the painting. Fabian Szarko made a motion to approve appropriating the funds from Pond Maintenance to Community Center Maintenance. John Barnes seconded the motion. Vote – Unanimous.

There are 48 Common Area Bradford Pear trees on Conifer Circle between Lake Park Road and Creft Circle. On August 19th Mr. Bill Smith, Union County Urban Forester, and Mayor David Cleveland surveyed all of these trees as shown on the handout. All of these trees are near the end of their life cycle and many are diseased or damaged. The area between the curb and street is too narrow to support trees of this size, and many of the sidewalk panels have been heaved by the tree roots. Several years ago Park & Rec started a program of planting trees on the pond side of the sidewalks in anticipation of removing these Bradford Pears. Based upon our recent survey, we are recommending the removal of 20 of the Bradford Pears and the pruning of 10 additional trees to provide 12 foot clearance on the street side. In addition, there are two Bradford Pears at the intersection of Esther and Hoover Streets that need to be removed, and a Maple tree at the intersection of Creft Circle and Meeting Street that is blocking the street light and needs to be removed. We have received a quote from Kiker Tree Service for \$4200 to remove the above 23 trees, grind the stumps, and prune the 10 additional trees on Conifer Circle. Park & Rec would like to request approval from Council for this quotation which would be funded by Park Maintenance. John Barnes

made the motion to have the trees removed. Fabian Szarko seconded the motion. Vote – Unanimous.

Sandy Coughlin wanted to know if the trees had been properly pruned in the past would the pruning have extended their lifecycle. Sandy Coughlin expressed her frustration in losing the tree canopy, shade and bird habitat. Fabian Szarko shared that the Bradford Pears have caused the sidewalks to buckle and therefore create a tripping hazard if you try to walk or run on the sidewalk. If you run in the street, you almost have to be in the middle of the road to avoid the limbs. Mark Phillips expressed his dismay at removing 23 trees at one time and would like Council to reconsider. John Barnes shared that the due to the red clay, the root structure of the trees will not go deep rather the roots run shallow and toward the water source. John Barnes stated that the only other alternative would be to move the sidewalks back 20 feet to be able to give trees the proper room to grow. Unfortunately, this is cost prohibitive. Mayor David Cleveland called for the vote: John Barnes, Pam Jack and Fabian Szarko voted yes. Sandy Coughlin and Mark Phillips voted no. The motion passed 3 to 2.

David Cleveland also shared that while Kiker Tree Service is in the Village, residents can have trees pruned or removed at a discounted rate. Residents will need to contact Kiker Tree Service directly.

There are a significant number of uneven sidewalks throughout the Village. Many of these have been caused by tree roots raising sidewalk panels. P&R surveyed all of the sidewalks in the Common Areas and identified 37 panels that need to be repaired. A copy of that survey is included in the Council handout. These panels can either be replaced (at a cost of \$300 - \$450 per panel) or horizontal saw cut (at a cost of \$50 - \$90 per panel). Four of the panels cannot be saw cut because of the severity of the break.

On September 5^{th} Precision Safe Sidewalks surveyed all of the sidewalks on Creft Circle and the Common Area sidewalks from Lake Park Road to the end of Conifer Circle. A copy of their proposal to saw cut uneven sidewalks in these areas is also included in the packet. Precision Safe Sidewalks identified a total of 42 panels in the Common Areas that are classified as "most severe: $1-2\frac{1}{2}$ " break". In addition there are 154 panels on Creft Circle that are classified as "most severe." Council needs to consider whether or not to fund the repair of these sidewalk panels. Mayor David Cleveland requested that Council review the proposal for the October Council meeting.

The Park & Recreation Commission would like to request Council approval to replace the sidewalks in the Common Areas that cannot be saw cut. This would cost \$1275 to be funded by Park Maintenance. Replacement of three additional "most severe" panels on Creft Circle in residential areas would cost \$960 which would be paid for out of Powell Bill Funds. Fabian Szarko made the motion to replace the sidewalk panels. John Barnes seconded the motion. Vote – Unanimous.

It is time for the annual fall replenishment of hardwood mulch throughout the Common Areas in the Village. Our landscaping contract with Lucas Landscaping provides for \$12,900 annually for mulch replenishment. Park & Rec would like to request approval for \$6000 for

fall mulch which will provide approximately 160 cubic yards of mulch. This will be funded out of the Landscaping Contract. Fabian Szarko made the motion to approve the installation of the landscaping mulch. Sandy Coughlin seconded the motion. Vote – Unanimous.

It is also time for planting of fall flowers. Park & Rec would like to request approval for \$1200 from the Landscaping Contract to have Lucas plant fall flowers in the Common Areas. Sandy Coughlin made the motion to approve the planting of fall flowers. Pam Jack seconded the motion. Vote – Unanimous.

E-NOTIFICTION: Pam Jack shared that based upon the following criteria, she has rated three companies for Council to consider.

Criteria	Importance
Updated website design with visually attractive appearance	Need
Established company for design and support	Need
Affordable initial design cost and annual maintenance fees	Need
Ease-of-use for posting by multiple personnel	Need
E-notification interface	Need
Training for users online or face-to-face	Need
E-mail hosting option	Prefer
Mobile access	Prefer
Easy links to social media	Prefer

The three companies considered were EZ Task, Civic Plus and GovOffice. EZ Task did not meet all of the criteria and currently does not have any clients in North Carolina. Civic Plus does not offer e-mail hosting and is \$16,000 to start with an annual fee of \$3,500. GovOffice is \$4,120 to start and then \$800 annual fee.

Mark Phillips shared that the Village currently has 23 e-mail addresses which GovOffice will charge \$50 a piece to establish. The e-mail addresses are for Council, Planning Board and Parks and Recreation. The Village could use another service for our e-mail. The I-mail system and Time Warner are having compatibility issues. Mark Phillips will look into email services provide by Google for Government.

PUBLIC SERVICES: Proposed Contract Appendix B – Adverse Weather Conditions or other Emergency Circumstances. Sandy Coughlin stated that Appendix B is part of the Waste Pro Contract. Yard Waste is defined in the original contract as grass, leaves, limbs, trimmings, or other plant or vegetative material generated by the Customer and separated and placed at the curbside for collection. Jennifer Herring with Waste Pro has been involved in several emergency circumstances and shared that first the Village would need to have the roads made passable then a valid written document declaring the emergency would need to be signed and provided to Waste Pro. Waste Pro would then come in and remove the yard debris and any construction debris that had been removed from the streets. Waste Pro can also provide additional services to individual homeowners. Sandy Coughlin made the motion to accept Appendix B and that Appendix B be adopted as part of the Waste Pro Contract. John Barnes seconded the motion. Vote – Unanimous.

STREETS: Mayor David Cleveland stated that the HOA has requested that Meeting Street between Creft and Creft and Lake Park Road between Creft and Creft be closed for the Fall Festival on October 18th. Sandy Coughlin made the motion to close the two streets for the Fall Festival. Pam Jack seconded the motion. Under discussion, Mark Phillips expressed his concerns about the security used at the Fall Festival last year even though there were no incidents. Mark Phillips discussed making the street closings contingent upon using Union County off duty officers. Mayor David Cleveland suggested that Council may want to consider the street closures and security as two separate motions. Council decided to keep the motion to close Lake Park Road and Meeting Street between Creft and Creft a separate motion. Vote – Unanimous.

Mark Phillips made a motion for the HOA to use Union County off duty sworn law enforcement officers for security during the festival. Sandy Coughlin seconded the motion. Vote – Unanimous.

Mayor David Cleveland stated that the VOLP had sent four paving companies a request to bid on the paving needs within the Village. One company will not be bidding due to the amount of work currently underway by their company. Another company sent in a quote to resurface one road to determine if we would be interested in their services. H&S has submitted a bid of \$191,655. We currently have \$171,000 in Powell Bill funds, however it is not prudent to completely deplete the Powell Bill funds. Currently H&S is working on a three week lead time. Mayor David Cleveland's recommendation is for Council to approve \$160,000 for street repairs and the Village will try to get at least one more paving quote.

Based upon the 2014 – 2015 budget, Council will need to appropriate \$80,000 from the Powell Bill Fund balance to the Powell Bill Street Expense line item before approving the repairs. Sandy Coughlin made the motion to appropriate \$80,000 from Powell Bill Fund Balance to Powell Bill Street Expense. John Barnes seconded the motion. Vote – Unanimous. Sandy Coughlin made a motion to approve \$160,000 for street repairs. Fabian Szarko seconded the motion. Vote – Unanimous. Attorney Ken Swain stated that a contractual agreement between the Village and the supplier would be strongly recommended.

PUBLIC PRAYER: Mark Phillips made a motion at the last Council meeting to start Council meetings with prayer rather than a moment of silence. This month, Mark Phillips provided a survey of how municipalities in Union County open their Council meeting. Based upon Council information and legal opinions, Attorney Ken Swain developed a draft resolution for Council feedback. Attorney Ken Swain received feedback and was requested to make certain changes and to also identify some necessary changes or issues for consideration.

- 1. Six paragraphs down remove "upon shared ideals and common ends."
- **2.** Seventh paragraph the word Whereas is misspelled.
- **3.** VOLP Resolution No. _____ (2013) needs to be changed to (2014).
- **4.** Under number 2 on page 2 Council could expand the area to include Union County or outside the geographical borders. How are you going to offer the invitation? Might want to think about a fair way to offer the invite to all faiths.
- **5.** Under number 3b limit the invocation to 3 minutes suggestion only.
- **6.** Number 5 Page 3 How are you going to manage volunteers?
- 7. Number 7 on page 3 There needs to be some way to address the lack of guest speaker.
- **8.** This resolution addresses organizations rather than individuals that may want to give the invocation.

Sandy Coughlin discussed changes to paragraph eight. The paragraph would read as follows: Whereas, the United States Supreme Court, in *Town of Greece v. Galloway*, has given indication that invocations of a religious nature are permitted and proper in circumstances where an elected body invites religious leaders from its area to provide an opening invocation or prayer in a manner solemnizing the occasion of the meeting, "expressing confidence in the future", and encouraging the recognition of what is worthy of appreciation in society; and,

Sandy Coughlin also requested the word "fractious" in paragraph 6 be removed. Based upon Council feedback this evening, Attorney Ken Swain will modify the proposed resolution for the October Council meeting.

PUBLIC SERVICES (Street Lighting): John Barnes will be providing Council with information concerning the possible need for additional street lights in the Village at the October Council meeting.

ECONOMIC DEVELOPMENT: Sandy Coughlin discussed the commercial enhancements to the Town Center. Lucas Landscaping has provided a quote of \$560 for adding a pencil holly and a combination of wisteria and jasmine for each box planter at the Creft Circle sidewalk to the rear parking, 2 hollies to be added in the Meeting Street box planter, wire or line to guide growth of wisteria and jasmine up the brick and to meet at the top of the current metal grate. Sandy Coughlin made a motion to approve \$560 for the plantings. Pam Jack seconded the motion. Vote – Unanimous.

Sandy Coughlin and John Box are working on the program for January 14, 2015 Network Workshop Event.

Mark Phillips made a motion for the Village of Lake Park to join the Union County Chamber of Commerce. Sandy Coughlin seconded the motion. Under discussion Mark Phillips stated

that he felt the Chamber would be a great marketing asset for the Village. Sandy Coughlin stated the Union County Chamber of Commerce had not attended the August EDC meeting. Pam Jack made a motion to table the motion on the floor. Fabian Szarko seconded the motion. Vote – Unanimous. Motion tabled until the next meeting.

COMMUNICATION: The deadline for articles and information for the August newsletter is Friday, September 12, 2014 at 5 p.m. Topics to be included: Animal Control Ordinance, Census number, Tax bills, Bradford Pears, Sidewalks and Street Lights.

COUNCIL COMMENTS: Sandy Coughlin stated her belief that the Council will regret the loss of the Bradford Pear Tree corridor along Conifer Circle, the loss of the shade trees and negative environmental impact as songbirds lose habitat.

ADJOURN: John Barnes made the motion to adjourn the meeting. Pam Jack seconded the motion. Vote – Unanimous.

	Respectfully submitted,
Mayor David Cleveland	
	Village Clerk, Cheri Clark